

Notice of Allowability

Application No.

09/539,346

Applicant(s)

BRAUSS, MICHAEL

Examiner

Allen C. Ho

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 25 September 2003.
2. ☒ The allowed claim(s) is/are 1-15 and 29.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 0603.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1003</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input checked="" type="checkbox"/> Other amended Fig. 1. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen S. Favakeh (Reg. No. 36,798) on 23 October 2003.

The application has been amended as follows:

- (1) In the amendment filed on 25 September 2003, page 2, line 20, "12" has been replaced by --22--.
- (2) Page 13, line 7, "38" has been replaced by --37--.
- (3) Page 14, line 5, "defraction" should be replaced by --diffraction--.
- (4) Page 14, line 27, "defraction" should be replaced by --diffraction--.
- (5) Page 18, line 32, "118" after "wall portion" should be replaced by --116--.
- (6) Page 19, line 8, "110a" has been replaced by --112--.
- (7) Page 19, line 23, "13" should be replaced by --12--.
- (8) Page 20, line 20, "head" should be replaced by --housing--.
- (9) Claim 8, line 17, "elongate" has been replaced by --elongated--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Fig 1, reference number 32 has been deleted, and upper reference number 34 has been replaced by 32. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

3. Claims 1-15 and 29 are allowed.
4. The following is an examiner's statement of reasons for allowance:

With regard to claims 1-7 and 29, the prior art discloses an apparatus having an x-ray head and a detector supported by a frame, which is translatable in three orthogonal directions. However, the prior art fails to teach or fairly suggest that the frame has a fine adjustment mount and a rough adjustment mount, as claimed in claim 1.

With regard to claims 8-10, the prior art discloses an apparatus having an x-ray head and a detector supported by a frame, which is translatable in three orthogonal directions. However, the prior art fails to teach or fairly suggest that the apparatus further comprises an r-axis adjustment mount that rotates the x-ray head about the housing axis, as claimed in claim 8.

With regard to claims 11-13, the prior art discloses an apparatus having an x-ray head and a detector supported by a frame, which is translatable in three orthogonal directions. However, the prior art fails to teach or fairly suggest that the apparatus further comprises a touch sensor and a controller signaled by the touch sensor for locating the x-ray head at the predetermined distance from the part, as claimed in claim 11.

With regard to claims 14 and 15, the prior art discloses an apparatus comprising an x-ray head and a frame for supporting the x-ray head. However, the prior art fails to teach or fairly suggest that the apparatus further comprises an adjustment mount that rotates the x-ray head about the longitudinal axis to keep the x-ray head at a predetermined distance from a curved surface, as claimed in claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (1) Mohr *et al.* (U. S. Patent No. 6,618,465 B2) disclosed an x-ray scanning system comprising an x-ray shield rotating about an x-ray source.
- (2) Fujii *et al.* (U. S. Patent No. 6,609,826 B1) disclosed an x-ray source and detector that can be translated in three dimensions.
- (3) Kobayashi *et al.* (U. S. Patent No. 5,073,912) disclosed a sample stage comprising rough and fine adjustment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (703) 308-6189. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (703) 308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

Allen C. Ho
Patent Examiner
Art Unit 2882

ACH ACH 10.23.03



DAVID V. BRUCE
PRIMARY EXAMINER